

SENATE BILL 1998

By Norris

AN ACT to amend Tennessee Code Annotated, Section 10-7-504; Title 39, Chapter 17, Part 13 and Title 55, relative to the publication of certain documents maintained by the state of Tennessee.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-17-1351, is amended by adding the following new subsections:

(w) Except as otherwise provided in this section, the following information and records are confidential, not available for public inspection and may not be published in any manner:

(1) All information contained in any application for a permit or renewal application, and in any materials required for a permit;

(2) All information provided to any state or federal agency, to any county, municipality, or other political subdivision, to any official, agent, or employee of any state or federal agency, or obtained by any state or federal agency in the course of its investigation of an applicant; and

(3) Any and all records maintained relative to any application for a permit or renewal application, or the issuance, renewal, expiration, suspension, or revocation of a permit, or the result of any criminal history record check conducted under this section.

(x) Any information or other records regarding an applicant or permit holder may be released to a law enforcement agency for the purpose of conducting an investigation

or prosecution, or for determining the validity of a permit, but shall not be publicly disclosed except as evidence in a criminal proceeding.

(y)

(1) An applicant or permit holder shall have a civil cause of action against any person who knowingly publishes in any form any information or records described in subsection (w) or information concerning the validity of any permit.

(2) An applicant or permit holder prevailing in a civil action pursuant to this subsection (x) shall be entitled to reasonable attorney fees, all filing fees and other costs of bringing the action as well as liquidated damages in the amount of five hundred dollars (\$500) for each day the information is published.

SECTION 2. This act shall take effect July 1, 2009, the public welfare requiring it.